

**SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT**

266717

DATE OF REPORT (DAY-MO.-YEAR)

27 Dec 2000

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION

☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM- INVESTIGATOR'S NAME LYNCH, Lawrence T.		RANK Sgt.	STAR NO. 949	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 005
ADDRESS OF INCIDENT 10600 S. Edbrooke			DATE OF INCIDENT - TIME 19 Oct 2000 - 2000hrs.		BEAT OF INCIDENT 512	LOCATION CODE* 17
NAME 1. McCLENDON, Emmett		RANK P.O.	STAR NO. 18677	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. 005	UNIT ASSIGN. [REDACTED]
2. HOLT, Ronald		P.O.	7245	[REDACTED]	[REDACTED]	005
ACCUSED	SEX/RACE D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		PHYS. COND. CODE†
	1. M/1 [REDACTED] 1964	05 Dec 1994		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN 01
	2. M/1 [REDACTED] 1961	24 Apr 1991		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN 01
	IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE
COMPLAINANTS	NAME [REDACTED]		ADDRESS** [REDACTED]		CITY STATE Chicago, Il.	TELEPHONE [REDACTED]
	NAME [REDACTED]		ADDRESS** [REDACTED]		CITY STATE Chicago, Il.	TELEPHONE [REDACTED]
VICTIMS	NAME [REDACTED]		ADDRESS** [REDACTED]		CITY STATE Chicago, Il.	TELEPHONE [REDACTED]
	NAME [REDACTED]		ADDRESS** [REDACTED]		CITY STATE Chicago, Il.	TELEPHONE [REDACTED]
WITNESSES	NAME [REDACTED]		ADDRESS** [REDACTED]		CITY STATE Chicago, Il.	TELEPHONE [REDACTED]
	NAME [REDACTED]		ADDRESS** [REDACTED]		CITY STATE Chicago, Il.	TELEPHONE [REDACTED]

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

The complainant alleges he was stopped at 10600 S. Edbrooke by Officers HOLT and McCLENDON, who searched him and removed his house keys. The complainant alleges the officers searched his apartment and the witnesses apartments without a search warrant or permission. The complainant alleges the accused removed \$1,200.00 USC from his apartment and only inventoried \$700.00 USC, the remaining \$500.00 were not inventoried or returned.

ARREST: Disorderly Conduct/ Narcotics

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant
02 Tavern/Liquor Store
03 Other Business Establishment
04 Police Building
05 Lockup Facility
06 Police Maintenance Facility
07 CPD Automotive Pound Facility
08 Other Police Property
09 Police Communications System
10 Court Room

11 Public Transportation Veh./Facility
12 Park District Property
13 Airport
14 Public Property - Other
15 Other Private Premise
16 Expressway/Interstate System
17 Public Way - Other
18 Waterway, Incl. Park District
19 Private Residence

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

CPD-44.112A (1/84)

C.R. NO. 266717

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

The R/Sgt was assigned to this investigation on 27 Oct 2000. The R/Sgt obtained copies of the reports relevant to the arrest of this complainant, being a Vice Case Report RD# [REDACTED] Possession of Cannabis; Arrest Report CB# [REDACTED] Vice Case Report RD# [REDACTED] Drug Money Seizure; Inventories related to RD# [REDACTED] Inventory # [REDACTED] - \$ 772.00 USC; Inventory # [REDACTED] - 3 packages of narcotics seals and 1 box of haggies; and Inventory # [REDACTED] 1 Radio Shack "Pro 2015" Scanner. On reviewing these reports, the R/Sgt recalled responding to a request for assist at [REDACTED] by the accused officers on the date of this incident. The R/Sgt responded to the scene along with Bt. 569, Sgt. Eddie Johnson # 1732.

After reviewing these reports, the R/Sgt went to the interview the complainant at his listed address of [REDACTED]. After receiving no answer to repeated knocks, the R/Sgt then interviewed witness [REDACTED]. This interview took place on 02 Nov 2000 at 1315 hrs. The witness related that on the date in question, three police officers came to his residence and requested to search for narcotics. The witness stated that he owns the building at that location and he gave the officers permission to search the building for any narcotics. The witness stated that he does not allow drugs in his building and that he has told his tenants that they are not allowed to bring drugs into his building. The witness related that he gave the officers permission to search the entire building and that he signed a consent to search form for the officers. The witness stated that he rents [REDACTED] to the complainant who he refers to as [REDACTED] and whose name he could not recall until reminded of it by the R/Sgt. During this interview, the complainant entered the witnesses apartment through the front door and sat down. The complainant asked if the R/Sgt was looking for him and was told that he would be interviewed following the interview of the witness or at his convenience at a future date. The complainant stated he would wait. The R/Sgt asked the complainant to leave the apartment so that the interview of the witness could be concluded. The complainant then went out the front door of the apartment and sat on the stairs leading to the second floor, leaving the

CONTINUED ON PAGE THREE

ATTACH- MENTS	INVESTIGATIVE REPORTS— SUPPORTING ALLEGATION	INVESTIGATIVE REPORTS— SUPPORTING ACCUSED MEMBER(S)	PHYSICAL EVIDENCE	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
	LIST ATTACHMENT NUMBERS:	LIST ATTACHMENT NUMBERS:	LIST ATTACHMENT NUMBERS:	
	1 & 2	3,13, 15 & 16		17

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

Due to the above investigation, the R/Sgt has determined that the following findings and recommendations are appropriate:

Allegation # 1: FINDING - Not Sustained RECOMMENDATION - None
Allegation # 2: FINDING - Exonerated RECOMMENDATION - None
Allegation # 3: FINDING - Not Sustained RECOMMENDATION - None

"REVIEWED BY" [REDACTED]

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)	27 Oct 2000	DATE COMPLETED (DATE OF THIS REPORT)	27 Dec 2000	ELAPSED TIME (TOTAL TIME)	60
Investigator will initiate the Command Channel Review form by completing the Investigator's Section.			IN [REDACTED]		

IF NECESSARY, USE AN 8 1/2" x 11" SHEET OF W

the witness' front door ajar. The R/Sgt asked the complainant to wait in his own apartment, at which time the complainant went upstairs and closed his door. Following the arrival of the complainant, the witness seemed ill at ease and reluctant to continue the interview. The witness was asked if there is a lease agreement between him and the complainant to which he replied that [REDACTED] just pays by the month, indicating that there is no formal lease. The witness was asked how the accused officers entered the complainant's apartment to which he replied that he did not recall. The R/Sgt then terminated the interview.

On ending the above interview, the R/Sgt spoke to the complainant in his [REDACTED] apartment. This interview took place in the complainant's apartment on 02 Nov 2000 at approximately 1350 hrs. The complainant was asked to relate what had occurred leading up to his making this complaint. The complainant related that on 19 October 2000 at approximately 10:00 p.m., Officers Holt and McClendon stopped him on the 106th Block of Edbrooke. The officers searched him and removed his keys from his pocket. The complainant was placed into a squad car from which he could see the building where he lives at [REDACTED] on [REDACTED]. The complainant stated that he saw the lights in the apartment go on and he knew that the officers were in his apartment searching it. The complainant stated that he had \$1200.00 USC in his apartment prior to the officers searching it, the officers inventoried \$772.00 USC but all of the money was gone. The complainant stated that the accused officers are always harassing him for no reason, saying that he is selling drugs on the 106th block of Edbrooke. The R/Sgt informed the complainant that he had been named as the main offender in the narcotics operation on Edbrooke by a number of citizens at beat and community meetings which the R/Sgt had attended. At this point, the complainant accused the R/Sgt of being a liar and further accused the R/Sgt of providing the accused officers with the complainant's home address which the complainant stated that he had provided to the R/Sgt during the investigation into CR# 262339 which was also investigated by the R/Sgt and involved the same two accused officers. The R/Sgt replied to this accusation by informing the complainant that he had not provided the R/Sgt with his current address during the above investigation but that the R/Sgt would have provided this information to the accused officers if he had it.

The complainant became increasingly hostile to the R/Sgt after this exchange and he stated the accused officers had taken his money again like they had the last time, again referring to CR# 262339. The complainant was reminded that the officers had inventoried this money and provided him with a receipt for the full amount of money he had claimed they had taken. The R/Sgt had recommended that this CR number be UNFOUNDED after investigation. The complainant stated that he would continue to complain on the accused officers as long as they continue to harass him and he again accused the R/Sgt of assisting the accused to harass him. The R/Sgt terminated the interview after this exchange due to the complainant's refusal to answer additional questions.

The R/Sgt spoke to Witness [REDACTED] following the above interview with the complainant. The witness related that on the date in question a police officer came to her door and asked her to step out of the building while a canine unit searched. The witness had no knowledge of how entry was obtained to the complainant's apartment or if any money was recovered.

As indicated above, Sgt. Eddie Johnson and the R/Sgt responded to [REDACTED] after a call for assist by the accused officers. The complainant was under arrest for Disorderly Conduct, along with a [REDACTED] who was arrested for Felony Possession of Cannabis at [REDACTED]. Both arrestees were in the control of Bt. 544 who had them in the rear of the police vehicle. The R/Sgt spoke to the adult resident at [REDACTED] who was questioning the accused officers' right to enter his residence to affect an arrest after a foot chase.

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CONTINUATION

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The R/Sgt learned after interviewing Sgt. Johnson (later reduced to a To-From Subject Report by Sgt. Johnson, Attachment # 16), that Sgt. Johnson, along with the accused officers, received information that additional narcotics were being stored at [REDACTED]. The accused and Sgt Johnson re-located to that address where the witness [REDACTED] was advised of the circumstances in this narcotics investigation and readily agreed to permit a search of his building. [REDACTED] signed a consent to search form, which was witnessed by Sgt. Johnson, giving the accused officers permission to search the entire building and apartments. A radio scanner, narcotics paraphernalia and an amount of USC later found to be \$772.00 was located in the complainant's second floor apartment. A narcotics sniffing canine was requested and a positive indication was obtained. The USC was counted in the presence of Sgt. Johnson and totaled the above listed \$772.00 USC this money and the other items were inventoried in 005th District and the owners copy of the inventory form was given to the complainant as a receipt. Sgt. Johnson has no knowledge of an additional \$428.00 which the complainant alleges is missing (The R/Sgt obtained a figure of \$428.00 USC by subtracting the inventoried money, 772.00 USC from the alleged amount of cash missing, \$ 1200.00 USC) .

The accused officers were served with the required administrative rights form, notice of charges and allegations and waiver of counsel/request to secure counsel. Both officers replied in the form of a To-From Report. Both officers denied removing the complainant's keys to search his residence and denied searching this residence without permission. Both officers stated that permission was obtained from the building owner to conduct a search of the entire building. Both officers state that \$772.00 USC was recovered from the complainant's apartment after a positive indication by a narcotics sniffing dog. Neither officer has any knowledge of the remaining \$500.00 USC (\$428.00 USC) alleged to be missing.

FINDINGS AND RECOMMENDATIONS:

Allegation # 1: The accused officers removed the complainant's keys. The R/Sgt is unable to prove or disprove this allegation at this time. FINDING: NOT SUSTAINED.

Allegation # 2: The accused officers searched the complainant's and witnesses apartments without permission. The accused officers obtained verbal and written permission of the property owner to conduct a search.
FINDING: EXONERATED.

Allegation # 3. The accused officers removed \$1200.00 USC from the complainant's apartment inventorying only \$700.00 leaving \$500.00 unaccounted for. The R/Sgt's investigation shows that the accused officers recovered \$772.00 from the complainant's apartment which was inventoried in the 005th District. This recovered money was counted on the scene in the presence of Sgt. Johnson. However, the R/Sgt is unable to prove or disprove the allegation that an additional \$428.00 USC (\$1200.00 minus the inventoried \$772.00 USC) was not inventoried or returned. FINDING: NOT SUSTAINED.

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Additional Witnesses:

JOHNSON, Eddie Sgt. Star # 1732 Employee # [REDACTED] Social Security # [REDACTED] 005th District
M/1 DOB: [REDACTED] 1960 Date of Appointment: 02 May 1988 On Duty Sworn

EVIDENCE SHEET

CR# 266717

ATTACHMENTS:

1. Complainant Against Department Member
2. To-From Report of Interview of Complainant, [REDACTED]
3. To-From Report of Interview of Witness, [REDACTED]
4. To-From Report of Interview of Witness, [REDACTED]
5. Arrest Report, CB# [REDACTED]
6. Vice Case Report, RD# [REDACTED] Possession of Cannabis, Over 30 Grams
7. Vice Case Report, RD# [REDACTED] Drug Money Seizure
8. Copy of Consent to Search, Dated 19 Oct 2000, for 1st, 2nd and 3rd Floors or the Building at [REDACTED] Signed by the Witness [REDACTED]
9. Inventory # [REDACTED] \$772.00 USC
10. Inventory # [REDACTED] 3 packages of narcotic seals, 1box of Baggies plastic bags (Narcotic paraphernalia.)
11. Inventory # [REDACTED] 1 Radio Shack PRO2015 Scanner
12. For Officer Ronald Holt # 7245
 - a.) Administrative Proceedings Rights
 - b.) Notification of Charges/Allegations
 - c.) Waiver of Counsel/Request to Secure Counsel
13. To- From Subject Report of Accused Officer Ronald Holt # 7245.
14. For Officer Emmett McClendon # 18677
 - a.) Administrative Proceedings Rights
 - b.) Notification of Charges/Allegations
 - c.) Waiver of Counsel/Request to Secure Counsel
15. To-From Subject Report of Accused Officer Emmett McClendon # 18677
16. Witness Statement in Form of To-From Subject Report by Sgt. Eddie Johnson # 1732
17. Original of Approved Request for Extension.